

IN THE UNITED STATES DISTRICT COURT FOR  
THE SOUTHERN DISTRICT OF GEORGIA  
SAVANNAH DIVISION

U. S. DISTRICT COURT  
Southern District of Ga.  
Filed in Office

MICHAEL JERNARD SINGLETON, )  
 )  
Petitioner, )  
 )  
v. )  
 )  
UNITED STATES OF AMERICA, )  
 )  
Respondent. )  
\_\_\_\_\_ )

CASE NOS. CV417-193  
CR413-007

11/20/20  
Deputy Clerk

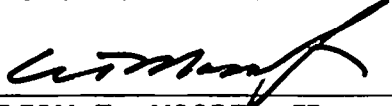
O R D E R

Before the Court is the Magistrate Judge's Report and Recommendation (Doc. 2), to which objections have been filed (Doc. 5). After a careful de novo review of the record, the Court concludes that Petitioner's objections are without merit. Accordingly, the Report and Recommendation is **ADOPTED** as the Court's opinion in this case. As a result, Petitioner's 28 U.S.C. § 2255 petition is **DENIED**. In addition, Petitioner is not entitled to a Certificate of Appealability, rendering moot any request for in forma pauperis status on appeal. The Clerk of Court is **DIRECTED** to close this case.

In his objections, Petitioner advances the general argument that his § 2255 petition is timely because his conviction only becomes final when the Eleventh Circuit Court of Appeals issues its mandate disposing of the

appeal. (Doc. 5 at 2-3.) Petitioner contends that this never occurred because his trial counsel failed to file an appeal in the underlying criminal case. (Id. at 3-4.) However, the docket in Petitioner's criminal case clearly shows that trial counsel consulted Petitioner about Petitioner's right to appeal his conviction and sentence. (CR413-007, Doc. 507.) After being fully advised of his right to appeal, Petitioner elected not to file an appeal. (Id. at 4.) Accordingly, Petitioner's conviction became final on February 6, 2014 and his September 30, 2017 § 2255 petition is untimely.

SO ORDERED this 20<sup>th</sup> day of November 2017.

  
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WILLIAM T. MOORE, JR.  
UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF GEORGIA